

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDREW ROGERS,
MELANIE ROGERS,
and TRAVIS ROGERS,

Plaintiffs,

v.

ORDER
06-CV-247S

GOLD KEY CREDIT, INC.,

Defendant.

1. Plaintiffs commenced the above-captioned action on April 13, 2006, by filing a Complaint in the United States District Court for the Western District of New York.

2. Defendant did not file an answer or otherwise appear in this matter. Accordingly, upon application by the Plaintiffs, the Clerk of this Court entered default against Defendant on September 11, 2006.

3. On November 30, 2006, this Court entered an Order directing Defendant to appear on December 18, 2006, to show cause why default judgment should not be entered against. Defendant, however, failed to appear as directed.

4. Accordingly, this Court issued an Order directing Judgment in Plaintiffs' favor, and further directing Defendant to appear on February 13, 2007, to show cause why a hearing should not be conducted to establish damages. The Clerk of this Court entered Judgment against Defendant on January 12, 2007, and closed this case.

5. Defendant thereafter filed a Motion to Vacate and Set Aside the Order for Entry of Judgment and Entry of Default and for Leave to File an Answer. For the reasons articulated at the appearance on February 13, 2007,

IT HEREBY IS ORDERED that Defendant's Motion to Vacate and Set Aside the Order for Entry of Judgment and Entry of Default (Docket No. 12) is GRANTED.

FURTHER, that the Clerk of the Court is directed to vacate the Entry of Default and the Judgment against Defendant and to reopen this case.

SO ORDERED.

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge

Dated: February 14, 2007
Buffalo, New York